

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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C.D.S., Inc.,

Plaintiff,

- against -

BRADLEY ZETLER, CDS, LLC, RAPID  
SYSTEMS CC, and JOHN DOES 1-5

Defendants,

- and -

AMAZON WEB SERVICES, INC. and  
RACKSPACE U.S., INC.

-----X  
VICTOR MARRERO, United States District Judge.

16 Civ. 3199 (VM)

**DECISION AND ORDER**

Pursuant to the Court's Order granting preliminary injunctive relief in this matter dated June 6, 2016 ("Preliminary Injunction Order", Dkt. No. 39), plaintiff C.D.S. Inc. ("C.D.S.") and defendants Bradley Zetler, CDS LLC, and Rapid Systems CC (collectively "Rapid Systems") agreed that the Court, pursuant to Rule 53 of the Federal Rules of Civil Procedure, shall appoint Mr. Daniel Garrie as a special master to advise and make recommendations to the Court and the parties with respect to the technical questions in dispute in this case, monitor compliance with the preliminary injunctive relief ordered by the Court, and mediate disputes within the scope of the Preliminary Injunction Order. The parties have jointly agreed that Mr.

Garrie's fees and costs be divided evenly between C.D.S. and Rapid Systems.

In view of the parties' joint agreements recited above, it is hereby **ORDERED**:

1. Daniel Garrie is appointed as a special master in this case pursuant to Rule 53 of the Federal Rules of Civil Procedure, to advise the Court and the parties on the technical questions in dispute in this case, facilitate agreement between the parties on technical and operational issues, monitor compliance with the preliminary injunctive relief ordered by the Court in its Order dated June 6, 2016 ("Preliminary Injunction Order"), and mediate disputes within the scope of the Preliminary Injunction Order.

2. Mr. Garrie's duties shall not encompass making findings of fact or conclusions of law, nor recommendations on motions in this matter, unless the Court modifies such duties following consultation with the parties.

3. To facilitate making the case file available to Mr. Garrie, the Court authorizes that he be provided, without charge, access through the Public Access to Court Electronic Records System (PACER). The PACER Service Center is directed to provide Mr. Garrie with the requisite account and password without charge. Such access is granted for Mr. Garrie's use solely in this case.


4. Mr. Garrie shall be compensated at the uniform rate of \$587 per hour, plus reasonable expenses.

5. Mr. Garrie's fees and reasonable expenses relating to his duties as special master shall be allocated as follows: 50 percent to be paid by plaintiff C.D.S., Inc. and 50 percent to be paid by defendants Bradley Zetler, CDS LLC, and Rapid Systems CC (collectively "Rapid Systems").

6. The Clerk of Court is **DIRECTED** to list Mr. Garrie as special master on the docket of this case and provide notice of all filings and court orders to Mr. Garrie.

**SO ORDERED.**

Dated: New York, New York  
15 June 2016

  
Victor Marrero  
U.S.D.J.